

Friday, 21 June, 1946

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

### Appearances:

For the Tribunal, same as before.

For the Prosecution Section.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by TSUCHIYA, Jun and SHIMADA, Masakazu, Akira Itami acting as Monitor.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: All the accused are present  
4 except OKAWA and MATSUOKA who appear by their counsel.

5 Does any counsel desire to mention any  
6 matter?

7 MR. JUSTICE MANSFIELD: If the Tribunal  
8 please--

9 THE PRESIDENT: Mr. Justice Mansfield.

10 MR. JUSTICE MANSFIELD: Yesterday it was  
11 suggested that a number of documents which had been  
12 used by the prosecution had not been delivered to the  
13 defense in conformity with the rules of this Tribunal.  
14 An investigation was made, and it was found that doc-  
15 ument No. 7113 in particular was delivered and signed  
16 for by one of the executive officers of the defense  
17 at 2:00 p.m. on the 17th of June. That is last Monday;  
18 and all documents have, in fact, been delivered well  
19 outside the twenty-four hour limit.

20 THE PRESIDENT: Mr. Mattice.

21 MR. MATTICE: At the suggestion of Mr.  
22 Yamaoka, if the Tribunal please, I desire to call  
23 attention to the request for changes in the reporter's  
24 transcript of the record of the 14th of May which was  
25 on the agenda for yesterday and seems not to have

1           been acted upon. The request is on file.

2           THE PRESIDENT: The request was not over-  
3           looked. The items are being checked by my legal  
4           secretary. The changes will be made as soon as he  
5           reports that they are in order.

6           MR. BROOKS: If the Tribunal please, I  
7           don't want to make an issue of the serving of these  
8           papers. Now, our records show, and we are compiling  
9           now, that some of the records have been served in  
10           part. There are parts of them missing. Some of them  
11           do not have the Japanese translations. In some in-  
12           stances we have Japanese translations and do not  
13           have the English; and in a number of cases we do  
14           not have a complete number so that each attorney  
15           or each defendant has at least one copy. Now that  
16           is being prepared. I am not going to make an issue  
17           on it because I think the proceeding of the Court  
18           will be such that in the future this will be avoided  
19           by an affidavit or certificate showing the time of  
20           service. The papers in question -- there have been  
21           some receipts given; and on checking the amounts that  
22           were brought in in large armloads, it was found out  
23           there was not complete coverage for all of the  
24           accused.

25           THE PRESIDENT: I am assured by Lord Patrick

1 that the defense here get much greater consideration  
2 than they do in Germany where only two copies are  
3 furnished for all of the accused.

4 MR. HAMMACK: Mr. Justice Mansfield, may it  
5 please the Court, has gone up to obtain our records  
6 to establish definitely that these documents were  
7 served in time, before the time, in fact.

8 MR. BROOKS: If the Court please, two of the  
9 affidavits served yesterday were obtained an hour  
10 and a half before they were brought into the court.  
11 They were obtained at eight o'clock. We have our  
12 records to show that and will be glad to bring them  
13 in if the prosecution wants to make a defense; but  
14 in order to expedite things I am willing to go on  
15 or bring the records of the defense in. We have  
16 our records kept down there that show at eight o'clock  
17 yesterday morning two of the documents were obtained.  
18 Now, I don't know what was wrong. There was some-  
19 thing wrong, and I have asked them to try to get  
20 together and straighten this out; not fuss about it,  
21 but try to straighten the thing out rather than  
22 bring it up to the Court's attention and use the  
23 Court's time up.

24 THE PRESIDENT: That can always be met by  
25 standing the witness down until the twenty-four

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1 hours elapse.

2 Yes, Mr. Donihi.

3 MR. DONIHI: Mr. President, as stated  
4 yesterday for the prosecution, the prosecution have  
5 no further direct examination of this witness to  
6 offer and we were informed that the defense desire  
7 to cross-examine further. We have obtained the  
8 witness for them.

9 THE PRESIDENT: Dr. Kiyose.

10 - - -

11 A K I O S A K I, called as a witness on behalf of  
12 the prosecution, resumed the stand and testified  
13 as follows:

14 CROSS-EXAMINATION (Continued)

15 BY DR. KIYOSE:

16 Q Yesterday you replied to my last question  
17 that the paper theater productions taught children  
18 to be honest, to be kind, to study hard, and other  
19 valuable lessons, and that the paper theater produc-  
20 tion that has been submitted in evidence is only one  
21 of these many productions. Is not the origin of the  
22 paper theater production an attempt by peddlers of  
23 candy to attract the curiosity of children?

24 A The motive was so in the early stage of that  
25 vocation.

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1                   Q   As there is nothing to compare with this in  
2                   America or England, I believe it would be useful to  
3                   the Court if you would explain just how it is done.  
4                   If there are no objections from the prosecution,  
5                   would you, actually using those cards, show how such  
6                   a production is given -- such a show, rather, is  
7                   given.

8                   MR. DONIHI:  No objection from the prosecu-  
9                   tion, may it please the Tribunal.

10                  THE WITNESS:  It is all right with me, too.

11                  DR. KIYOSÉ:  Then please begin.

12                  MR. DONIHI:  Mr. President, may I suggest  
13                  that the witness be permitted to read the text if he  
14                  is going to display with the cards, and that would  
15                  possibly prevent further delay and introduction of  
16                  the text at a later time.

17                  THE PRESIDENT:  The Tribunal has no objection.

18                  THE WITNESS:  It is all right with me, too.

19                  MR. McMANUS:  Mr. President, I would like  
20                  my objection noted on behalf of the defendant ARAKI.

21                  THE PRESIDENT:  Objection noted.

22                  THE WITNESS:  Then I shall begin from now  
23                  my explanation of the Kamishibai.  There are, as the  
24                  counsel for the defense has pointed out, many kinds  
25                  of Kamishibai, and among them are some of a high

1 standard. This can be called one of the most simple  
2 forms of theatrical productions. However, the  
3 Kamishibai that I have here is a very bad example  
4 and not a good example of these productions, and I  
5 regret that there is no other at hand here; but since  
6 this is the only one, I shall explain using this  
7 particular text. There are two kinds of Kamishibai.  
8 One, as was said before, is the kind that the peddler  
9 uses when he is peddling candies. The other is the  
10 kind that is here; that is, a set of printed cards  
11 which teaches in schools and kindergartens-- That is  
12 to say, amateurs use to show to their children or to  
13 the public at large. Since this Kamishibai is  
14 printed, it belongs to the second type. When these  
15 Kamishibai are actually shown, depending on which kind  
16 it is, there are two different methods.  
17

18 The first kind are usually shown outside,  
19 but the kind I have here are shown inside. Whatever  
20 kind is used, when this is actually being shown, it  
21 is shown in a wooden box or a sort of stage. The  
22 audience is usually from fifty to one hundred. As  
23 there is no stage here, I shall use my hands.

24 One other thing: the title page of this set  
25 is missing, so I shall begin from the middle. What  
I am going to do now is to read the text that is on

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1 the back of each of these cards.

2 Then I shall begin.

3 (Whereupon, the witness read the  
4 legend which appears on the back of each  
5 of a set of cards referred to as prosecu-  
6 tion's exhibit No. 145:)

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"Japan and China are now beating, striking, and killing each other.

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&<sub>4</sub>  
M<sub>5</sub>  
o  
r<sub>6</sub>  
s  
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"The people's movements in China were meant to build up a powerful national government and to recover the national power, but strong anti-British and anti-American movements were changed to anti-Japanese movements by the opposition of both Britain and America.

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"Japanese and Chinese are close brothers. If one pushes the other off the mountain, the other will fall off the mountain together.

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"Britain and the U.S.: 'It's all right. Thank you for your labor. Now the treasures in the Orient are ours. We got these without hesitation.' The treasures go to the third person as the result of a quarrel between brothers. As the third nations wanted, the treasures go somewhere if the quarrel between brothers goes too far. If the quarrel drags on, it is a loss of time. There are people who gain as much as they lose. Why has this foolish and sad situation come into existence?

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"It was a terrible misunderstanding between Japan and China, who both had faults. China did not have the understanding of Japan's real history and nature. Japan despised her neighbor, China. Both had

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1 faults to see in each other and the third nation  
2 came into this gap. If they have misunderstanding,  
3 they cannot be good friends. If the situation is  
4 left as it is, a real peaceful and new oriental  
5 neighborhood will not come, though Japan may win this  
6 war. China is strong.

7 "The foreigners are surpsiging. The Chinese  
8 are no longer the Chinese at the time of the Sino-  
9 Japanese war. They attacked the Japanese strongly  
10 and Japan did not win so easily.

11 "Of course, the Japanese are stronger than  
12 them. They pushed and pushed with the spirit of  
13 Yamato and won everywhere. If Chinese attacked  
14 Japanese more, Japanese would do more. But if this  
15 strong China and Japan will take each other's hands  
16 and cooperate and attack other enemy together, how  
17 would it be! It is really unhappy, but what has hap-  
18 pened in the past cannot be helped. Now is the time.  
19 Let us be good friends. We have to teach them their  
20 faults, but we, Japanese, too have to examine our-  
21 selves and correct our faults.

22 'Well! We shall not have much trouble.' It  
23 is not a joke. What can you do with such a lukewarm  
24 decision? If you think the world is sweet and the  
25 country will be prosperous, you are entirely mistaken.

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1 Roosevelt: 'Ladies and gentlemen.'

2 "Roosevelt: 'Ladies and gentlemen: the  
3 first line of America's national defense is in Chung-  
4 king.' Roosevelt is still shouting. He is not only  
5 shouting, but the United States and Britain are send-  
6 ing many arms and materials to the Chungking govern-  
7 ment. They have also made a loan of a hundred million  
8 yen to China. They want to drink sweet wine out of  
9 the result of Japan and China's fatigue. The real op-  
10 ponent of the war is not China.

11 "The world is in surging waves. Great change!  
12 Great upheaval! Now the world is in a turbulent age.  
13 The axis powers, Japan, Germany, and Italy, who ad-  
14 vocate new order are up against the countries that  
15 want to maintain the status quo. A real world war  
16 has begun.

17 "If Japan, who sails in this violent stream  
18 mistakes one step, she will be swallowed up by the big  
19 waves and will fall to a third or fourth rate nation  
20 in the world. Her brilliant history of three thousand  
21 years will lose its brightness. This is a very cri-  
22 tical moment, but there is only one way to go. The  
23 National government of China was recognized by Japan  
24 and our national policy has been definitely decided.  
25 Japan, Germany and Italy under the tripartite pact

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1 will fight against the United States and Britain.  
2 Our world policy has been decided too. Our ship is  
3 sailing on the course we have decided.  
4 "Our ship is going forward with our own power.  
5 Don't rely on the others. The final thing is our  
6 own power. Our real power will bring the result. A  
7 powerless country will be pushed back. The present  
8 is thus a time of severe war.  
9 "At the fighting of Chuka-Mon during the cap-  
10 ture of Nanking, a suicide squad, lead by Corporal  
11 Ando, attacked the wall over twenty meters high, with  
12 ladders only fourteen or fifteen meters in length.  
13 How could they climb this high precipice with such  
14 short ladders among showers of bullets!  
15 "Oh! A flag of the rising sun on the wall.  
16 How did they climb this high and steep wall! We do  
17 not know how they did it, but anyway they got up  
18 there. What made them do this? Their belief in ab-  
19 solute victory is what made these human beings do  
20 such a wonder.  
21 "In spite of this fact, there are men who be-  
22 lieve in groundless rumors and suspect that Japan has  
23 become weak because of lack of things, which is a  
24 matter of course in time of war. Is there any one who  
25 still does not believe the words of our government and

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1 authority, and listens to lies of the foreigners?  
2 There is danger before your eyes. It is really dan-  
3 gerous.

4 "Stretch your arms! Stand erectly on the  
5 ground. Have self-confidence. People in the foreign  
6 countries are waiting for the people in Japan to get  
7 weaker and be in confusion, and to begin complaining.  
8 Damn it!

9 "We shall not lose! We shall not be alarmed!  
10 Japan is strong! We have power! (Look at the re-  
11 sults at the outbreak of war between Japan and the  
12 United States. Look at the brilliant result of the  
13 Great Eastern War!) Recognize our real ability!

14 "Brace yourself up, have your mind set  
15 under the rain of shells. Act, first of all. No  
16 choice of yes or no. Go straight ahead with this  
17 spirit and mind. The whole nation and the people  
18 of a hundred million should be of one mind.

19 "Work with might and main to assist Imperial  
20 movement without glancing aside. We are in the midst  
21 of a war. Bombs are above your head. With this  
22 spirit and our minds set, we must build up an un-  
23 flinching Japan in strong unity. This is the only  
24 way to live through the gravest crisis in the history  
25 of Japan." With this, I conclude.

SAKI

CROSS

1           Q    This particular production, this particular  
2   set, was it not published after the beginning of the  
3   China Incident?

4           A    Yes, it was.

5           Q    Many pictures have been shown, but the  
6   general import of this - is it not that China and  
7   Japan should not fight but that the countries of  
8   East Asia should join hands?

9           A    Yes, that is what it said.

10          Q    And, also, in order to accomplish this the  
11   people of Japan should, not only on the battle front  
12   but also on the home front, be as one, that is,  
13   that a hundred million people should have but one mind.  
14   Is that correct?

15          A    Yes, that is said also.

16          Q    Also, that this is a time of great difficulty,  
17   and that this crisis cannot be surmounted by Japan's  
18   power alone, and in order to show this America and  
19   Britain were brought in, and Britain and America --  
20   and there is no idea of teaching the children that  
21   we must fight against America and Britain.

22          MONITOR: Correction: The task in front  
23   of us is so grave that it is seemingly impossible for  
24   Japan alone to surmount it.

25          MR. DONIHI: Mr. President, the prosecution

SAKI

CROSS

1 wishes to object to that question on the ground that  
2 the document speaks for itself.

3 THE PRESIDENT: I think he should be allowed  
4 to continue his cross-examination.

5 A Then I shall answer. In the first place,  
6 Japan and China should shake hands, but this hand-  
7 shaking -- but it says that this handshaking should  
8 come after the government which was created by the  
9 military power had been recognized.

10 MONITOR: Correction: Puppet government  
11 instead of government.

12 A (Continuing) Answering the question as to  
13 the United States and Britain, it says clearly that  
14 the world is now divided into two parts and that  
15 Japan should fight against the United States and  
16 Britain.

17 Q Do you mean that this production urged  
18 the children to consider Great Britain and America  
19 as enemies or that, because they were -- because  
20 they might become enemies it was necessary for the  
21 nation to be united?

22 A It says that -- it says clearly that Japan  
23 and China cannot be friends because of the fact that  
24 the United States and Britain were meddling in **China**  
25 and that, as the world is divided into two parts it

SAKI

CROSS

1       is necessary to fight against -- eventually to fight  
2       against the United States and Britain to solve the  
3       problem.

4       Q     This question that the problem cannot be  
5       solved unless we take recourse to war, do you not  
6       rather mean that because this is a matter of such  
7       great importance there may be -- we might be forced  
8       to go to war and that, therefore, we must be prepared  
9       for any eventuality and be of one mind?

10      A     I feel that it is speaking of something  
11       more than mere eventuality.

12      Q     I do not understand the last part of your  
13       answer.

14      A     Do you mean by your question that the  
15       sentence meant -- whether it meant that there is an  
16       eventuality of war or that it would necessarily end  
17       in a war?

18      Q     Yes, I did.

19      A     Although I admit that there is a certain  
20       vagueness in the phraseology, it means as a whole--  
21       I believe it means as a whole that a war is necessary  
22       to solve the question.

23      Q     In what part of the text can you find this?

24      A     The conclusion is clearly given, because it  
25       is said in the text that China should recognize the

SAKI

CROSS

1 government which had been made by the military  
2 force, the strong military power of Japan, and that  
3 the solution of the problem is delayed because of  
4 the interference of Great Britain and the United  
5 States into the affair, and that Japan should resort  
6 to arms against the United States and Great Britain  
7 to solve the problem.

8 THE PRESIDENT: This cross-examination should  
9 cease now. The questions and the answers are simply  
10 repetitive. In substance there is no difference  
11 between them.

12 MR. DONIHI: Mr. President, if there is no  
13 further cross-examination, the prosecution does not  
14 desire to redirect.

15 MR. FUJII: I have a cross-examination to  
16 make. I am FUJII, Goichiro, counsel for the defendant  
17 HOSHINO, Naoki.

18 CROSS-EXAMINATION (Continued)

19 BY MR. FUJII:

20 A I ask the witness, is the Japan Kamishibai  
21 Association a company, organized as a company or not?

22 A It is not just a company; it is an associa-  
23 tion composed of many companies.

24 Q Is it an association composed of many  
25 limited companies?

SAKI

CROSS

1                   THE PRESIDENT: These questions are useless.  
2 I refuse to allow them to continue.

3                   MR. NARITOMI: I have a question to ask. I  
4 am NARITOMI, Nobuo, counsel for the defendant  
5 SHIRATORI.

6                   CROSS-EXAMINATION (Continued)

7 BY MR. NARITOMI:

8                   Q The final purpose of the production that you  
9 have just shown, is it not to show that the Japanese  
10 are still grudging something and that they must be  
11 willing to give up their all? Is not that the final  
12 conclusion of this production?

13                  A Yes, that certainly is one of the great  
14 objects.

15                  Q Is not the object of this production to  
16 cause the Japanese people to brace up and get rid of  
17 their laziness?

18                  A Yes, it certainly is.

19                  Q And the object of this Kamishibai --  
20 perhaps it is something does not exist in America  
21 but only in Japan and was originally used as a means  
22 of attracting children to peddlers of candies with  
23 an audience of only a hundred or so -- the object of  
24 this is not to incite war between America and Japan  
25 but rather to teach the people to tighten their belts

SAKI

CROSS

1 more?

2 MONITOR: Correction: To be willing to give  
3 more for the cause.

4 A It certainly is one of the greatest objects  
5 of the production, as I said before, but the question  
6 is how, by what method, it recommends the people to  
7 make more efforts. And it clearly recommends, urges  
8 the people to solve the China-Japanese program by  
9 opposing Great Britain and the United States.

10 THE PRESIDENT: Mr. Donihi.

11 MONITOR: Correction please: As to the  
12 method ~~by~~ which to make further efforts, it explains  
13 it by telling the interference of Great Britain and  
14 the United States in the China Affair and also by  
15 explaining how the world is split into two parts by  
16 Great Britain and the United States.

17 MR. DONIHI: If there is no further cross-  
18 examination, the prosecution would like to call the  
19 next witness, OGATA.

20 (Whereupon, the witness was  
21 excused.)

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OGATA

DIRECT

D 1                    MARSHAL OF THE COURT: Mr. President, the  
u 2                    witness is in court and will now be sworn.  
d 3                    T A K E T O R A   O G A T A, called as a witness on  
a 4                    behalf of the prosecution, being first duly  
& 5                    sworn, testified as follows:  
W 6                    DIRECT EXAMINATION  
h 7                    BY MR. DONIHI:

10                    Q   Will you state your name to the Tribunal?  
11                    A   OGATA, Taketora.  
12                    Q   I hand you herewith a document bearing  
13                    your alleged signature. Will you examine that docu-  
14                    ment to determine whether you have seen it before?  
15                    A   Yes, I have seen it before.  
16                    Q   Is that your affidavit?  
17                    A   Yes, it is.  
18                    (Whereupon, the document above  
19                    referred to was marked prosecution's ex-  
20                    hibit No. 146 for identification.)  
21                    Q   Have you read that affidavit?  
22                    A   Yes, I have.  
23                    Q   Are the facts contained therein true and  
24                    correct?  
25                    A   There are a few places where the meaning is  
not clear. But on the whole, it is correct.  
26                    Q   Will you explain to the Tribunal, if you

OGATA

DIRECT

1 desire, where those two places can be found in this  
2 affidavit, and explain clearly to the Court what you  
3 mean?

4 A The fifth line of the first paragraph,  
5 beginning with "immediately preceding the Manchurian  
6 Incident." Here in this affidavit it says that  
7 material had to be properly approved by the Censor-  
8 ship Section of the Police Bureau of the Home Minis-  
9 try for newspapers immediately preceding the Man-  
10 churian Incident.

11 But I wanted to say that this system was  
12 already in effect from long before the Manchurian  
13 Incident, and that after the Manchurian Incident cen-  
14 sorship became particularly strict; and especially  
15 after the National Mobilization Law was passed cen-  
16 sorship became very complicated, and because of the  
17 so-called -- a new system was set up by the Home  
18 Ministry by which newspaper material was censored  
19 before the type was set up.

20 THE MONITOR: Correction: Instead of "after  
21 the National Mobilization Law was passed," it should  
22 read, "after the National Mobilization Law was put  
23 into effect."

24 Q Then, do I understand, Mr. OGATA, that the  
25 two corrections which you have suggested are the

OGATA

DIRECT

1 striking out of the word "immediately" in the first  
2 paragraph, leaving the balance of that paragraph;  
3 and then changing the second paragraph of your affi-  
4 davit to read that "censorship became strict -- so  
5 strict that it was found necessary--" no, that is  
6 not the part.

7 Will you explain again, please, what the  
8 second correction was? I do not seem to find that  
9 on this copy.

10 A Yes. Instead of saying "immediately pre-  
11 ceding the Manchurian Incident," it should read,  
12 "preceding -- that this system was in effect pre-  
13 ceding the Manchurian Incident."

14 Q And then, the second correction you speak of  
15 is that censorship became particularly noticeable after  
16 the Mobilization Act was passed, rather than after  
17 the Manchurian Incident; is that correct?

18 A Yes.

19 MR. BROOKS: If the Tribunal please, I  
20 think that it is apparent that this is not this man's  
21 affidavit; that it is a distortion of his ideas.  
22 And I think that we have wasted more time with the  
23 two or three short little thoughts they are trying  
24 to put across here than it would have taken to exam-  
25 ine the witness and cross-examine him and dismiss him

OGATA

DIRECT

1 from the stand. And it is going to confuse our  
2 record.

3 I cannot follow these corrections, and I  
4 believe on this man, especially, direct questioning  
5 to these parts should be brought, and waive this  
6 affidavit.

7 I object to it on the ground it is not his  
8 affidavit at all. It is prosecution's affidavit and  
9 his stamp on there, and the ideas expressed are not  
10 the ideas of the man. They are distorted.

11 THE PRESIDENT: I am afraid, Colonel Warren,  
12 that you have made confusion worse confounded by not  
13 allowing Mr. Donihi to proceed to have the second  
14 correction made. We have not reached that second  
15 correction yet.

16 MR. WARREN: If the Tribunal please, in  
17 order to get the record straight--

18 THE PRESIDENT: I want this matter cleared  
19 up by Mr. Donihi before I hear any defense counsel.

20 MR. WARREN: Oh. I am sorry.

21 Q Mr. OGATA, the second correction that was  
22 spoken of would be also in the first paragraph,  
23 beginning with "Censorship became particularly notice-  
24 able immediately preceding the Manchurian Incident,"  
25 which you state should be corrected to say that

OGATA

DIRECT

1 "Censorship became particularly noticeable following  
2 the National General Mobilization Law passage."

3 Is that correct?

4 A In my opinion, I believe it sufficient if  
5 the word "immediately" is omitted.

6 THE PRESIDENT: Mr. Donihi, isn't there a  
7 second correction you said had to be made? We have  
8 heard about this first correction half a dozen times.

9 MR. DONIHI: Yes, your Honor. I understood  
10 him to state originally there were two corrections.  
11 Possibly I am in error; and I will ask that the affi-  
12 davit be admitted subject to the corrections which  
13 have been stated, or correction stated by the witness.

14 THE PRESIDENT: Admitted subject to all  
15 corrections.

16 (Whereupon, prosecution's exhibit  
17 No. 146 was received in evidence.)

18 THE PRESIDENT: We will recess now for  
19 fifteen minutes.

20 (Whereupon, at 1045, a recess  
21 was taken until 1100, after which the pro-  
22 ceedings were resummed as follows, English  
23 to Japanese and Japanese to English inter-  
24 pretation being made by OKA, Takashi, and  
25 TSUCHIYA, Jun, Akira Itami acting as Monitor.)

OGATA

## DIRECT

W 1 MARSHAL OF THE COURT: The International  
o 1 2 Military Tribunal for the Far East is now resumed.

MR. WARREN: If the Tribunal please, may I have the record show that the objections raised before were by Captain Brooks and not by Colonel Warren.

t 7 THE PRESIDENT: Yes, I apologize to you.

8 MR. WARREN: It is perfectly all right.

9 THE PRESIDENT: There is some resemblance,  
10 of course.

11 Mr. Donihi.

12 MR. DONIHI: (Reading)

14 "INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
15 THE UNITED STATES OF AMERICA, et al.)

16 - AGAINST - ) A F F I D A V . I T  
17 ARAKI, SADAo, et al. ) ,

18 "I, OGATA, Taketora, do swear on my  
19 conscience that the following is true:

20 "I was formerly Vice President of the Ashai  
21 Shumbun Newspaper. I have been in the newspaper  
22 business for 35 years. During all of the time that I  
23 have been in the newspaper business, freedom of the  
24 press in Japan has been limited by government censor-  
25 ship. Censorship became particularly noticeable

OGATA

DIRECT

1 immediately preceding the Manchurian Incident.  
2 After the Manchurian Incident, newspapers were  
3 not permitted to write on military matters un-  
4 less such material was properly approved by the  
5 Censorship Section of the Police Bureau of the  
6 Home Ministry. Immediately preceding the Man-  
7 churian Incident all newspapers were required  
8 to submit a copy of their papers to the Home  
9 Ministry for censorship before such paper could  
10 be released on the stands.

11 "In 1939 censorship became so strict  
12 that it was found necessary to place a Censor-  
13 ship Section within our own plant, for the  
14 reason that so many press bans were coming in  
15 from the Home Ministry. Upon numerous occasions  
16 prior to December 1941 my newspaper received  
17 telegrams from the various theaters of war  
18 wherein the Japanese troops were fighting. Such  
19 telegrams would instruct us as to how we should  
20 treat specific military information."

22 Signed "OGATA, Taketora"  
23  
24  
25

OGATA

CROSS

1                   This affidavit has been marked exhibit No.  
2

3                   146.

4                   The defense may cross-examine the witness.

5                   THE PRESIDENT: Major Furness.

6                   CROSS-EXAMINATION

7                   BY MR. FURNESS:

8                   Mr. OGATA, you have been questioned, as I under-  
9                   stand it, many times by the prosecution, is that cor-  
rect?

10                  A I have been questioned two times.

11                  Q Have you ever been placed under arrest as  
12                  a suspected war criminal?

13                  A Yes, I have.

14                  Q Are you now under house arrest as a sus-  
15                  pected war criminal?

16                  A Yes.

17                  MR. FURNESS: That is all.

18                  THE PRESIDENT: What is your name?

19                  CAPTAIN KLEIMAN: Captain Kleiman, sir.

20                  CROSS-EXAMINATION (Continued)

21                  BY CAPTAIN KLEIMAN:

22                  Q Were you President of the Information Bureau  
23                  under the KOISO Cabinet?

24                  A Yes.

25                  THE PRESIDENT: Captain Brooks.

NAKAI

DIRECT

1                   MR. BROOKS: Mr. Brooks, may it please  
2                   your Honor.

3                   The defense has no further questions.

4                   THE PRESIDENT: Any re-examination?

5                   MR. DONIHI: There will be no redirect  
6                   examination.

7                   THE PRESIDENT: The witness may go.

8                   (Whereupon, the witness was  
9                   excused.)

10                  MR. DONIHI: The prosecution desires to  
11                  examine NAKAI as a witness.

12                  MARSHAL OF THE COURT: Mr. President, the  
13                  witness is in court and will now be sworn.

14                  - - -

15                  K I M B E I    N A K A I , called as a witness on  
16                  behalf of the prosecution, being first duly  
17                  sworn, testified as follows:

18                  DIRECT EXAMINATION

19                  BY MR. DONIHI:

20                  Q Will you state your name to the Tribunal,  
21                  please.

22                  A NAKAI, Kimbei.

23                  Q Mr. Kimbei, I hand you herewith a document  
24                  bearing what is alleged to be your signature. Will  
25                  you examine it and determine whether or not you

NAKAI

DIRECT

1 have seen this document before? Is this document  
2 your affidavit, Mr. NAKAI?

3 A Yes, it is.

4 Q Before signing this affidavit did you read  
5 it?

6 A Yes, I did read it.

7 Q Do you speak and read English?

8 A Yes, I do.

9 Q Are all the facts contained in this docu-  
10 ment true and correct?

11 A Yes, they are.

12 MR. DONIHI: The prosecution, may it please  
13 the Court, presents the affidavit of this witness  
14 and asks that it be marked an exhibit of this man  
15 for direct evidence.

16 (Whereupon, the document above  
17 referred to was marked prosecution's ex-  
18 hibit No. 147, for identification.)

19 THE PRESIDENT: Admitted.

20 (Whereupon, prosecution's ex-  
21 hibit No. 147 was received in evidence.)

22 MR. SMITH: May it please your Honor, on  
23 behalf of all the defendants, we would like to  
24 object to the admission of that affidavit. There  
25

NAKAI

DIRECT

1                   was no opportunity to speak before your Honor just  
2                   ruled.

3                   We point particularly to the second and  
4                   third paragraph: The words "Numerous propaganda  
5                   films were produced following the Manchurian Inci-  
6                   dent, which pictures were so made as to justify  
7                   Japan's position in Manchuria, and also to prepare  
8                   the Japanese people for further military aggres-  
9                   sion, --"

10                  The witness had decided to form a conclusion  
11                  on the very matter this Court is called upon to de-  
12                  cide. I submit, your Honor, that it is grossly im-  
13                  proper to put evidence in the case in this form.

14                  THE PRESIDENT: It does not amount to sway-  
15                  ing the issue, because it does not connect the par-  
16                  ticular accused with any charge.

17                  MR. DONIHI: May I proceed with the reading?

18                  THE PRESIDENT: You may proceed.

19                  MR. DONIHI: (Reading)

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21

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NAKAI

**DIRECT**

1 "INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
2 THE UNITED STATES OF AMERICA, et al.)

3 - AGAINST - ) AFFIDAVIT  
4 ARAKI, SADAQ, et al. )

5 "I, NAKAI, Kimbei, do swear on my conscience  
6 that the following is true:

"I have been engaged in the moving picture industry for ten years. At present I am working for the Nippon Newsreel Corporation as a producer, in which capacity I have served since prior to 1940. During the ten years that I have been making moving pictures, we have produced many propaganda films on the orders of the Navy and War Ministries, as well as the Bureau of Information. In 1939 I made a picture known as 'The Holy War'; depicting disorder, poverty and unsettled conditions in China, and that it was the Holy duty of Japan to rescue China from such conditions.

19 "Numerous propaganda films were produced  
20 following the Manchurian Incident, which pictures  
21 were so made as to justify Japan's position in Man-  
22 churia, and also to prepare the Japanese people for  
23 further military aggression, glorifying the military  
24 life, divine worship of the Emperor, depicting Japan-  
25 ese culture and habits as being superior to all other

NAKAI

DIRECT

1 nations, and attempting to inculcate into the minds  
2 of the young and old alike the belief that 'it was  
3 Japan's divine mission to rule the Great Far East  
4 and ultimately the world.' Two pictures typical of  
5 this type of propaganda produced following the Man-  
6 churian Incident are 'Glorious Japan' and 'The Crit-  
7 ical Period of Japan.' These pictures were shown  
8 throughout the schools of Japan as well as in the  
9 theatres throughout Japan.

10 "Following the China Incident, film of a  
11 propagandic nature was prevalent to the extent that  
12 it was virtually impossible for the movie houses to  
13 obtain Japanese productions that were not of an ultra-  
14 nationalistic or militaristic nature.

15 "After the establishment of the Board of  
16 Information in December 1940, American made films  
17 were banned and the movie houses of Japan would show  
18 nothing but Japanese productions based on militaristic  
19 subject matter."

20  
21  
22 Signed NAKAI, Kimbei  
23  
24  
25

NAKAI

## CROSS

MR. DONIHI: The defense may examine the witness.

THE PRESIDENT: Dr. KIYOSE.

## **CROSS EXAMINATION**

BY DR. KIYOSÉ:

Q Towards the end of the second paragraph of your affidavit you have used the words, "Pictures were shown throughout the schools of Japan --"

By this do you mean that pictures were shown in every single school in Japan?

A Those pictures were shown not in all the schools, but in most of the schools.

Q Also, in the middle of the second paragraph you have stated, "It was Japan's divine mission to rule the Great Far East and ultimately the world."

The Japanese idea was to establish a culture peculiar to the countries of East Asia, in East Asia, and for the democratic countries to establish their own democratic paradise in their own part of the world, and for the two groups to live in mutual prosperity.

If there is any special moving picture which was made depicting that the purpose of Japan was to rule all the world, can you tell me the name exactly of that picture?

NAKAI

CROSS

1           A    A good example of it is a picture called,  
2            "Japan in the Emergency Time," made by the Osaka  
3            Mainichi Shimbun in June, 1933. If you listen to  
4            the speech made by General Araki in that picture  
5            you will understand it.

6           Q    Did you say in 1933 -- in your affidavit  
7            you have stated that many moving picture companies  
8            made movies after the Manchurian Incident, but the  
9            Osaka Mainichi is not a company established after  
10           the Manchurian Incident?

11           A    Many militaristic pictures, of a mili-  
12           taristic nature, were made after the Manchurian  
13           Incident, and I have that -- the name of the picture  
14           that I mentioned before as an example of it, and if  
15           you wish to know more -- have more examples, I can  
16           read a certain number -- many names of the pictures  
17           of the same kind.

18           Q    No. My question was: You say "many moving  
19           picture companies," but the Osaka Mainichi Shimbun  
20           is not a moving picture production company. My  
21           question was: Was the Osaka Mainichi a motion  
22           picture production company, and you have not given  
23           me an answer to that question.

24           A    Osaka Mainichi is not a moving picture  
25           company, but it is a newspaper company; however,

NAKAI

CROSS

1 but it is true that the Osaka Mainichi produced  
2 that picture under the direction of the War Ministry  
3 at that time.

4 THE MONITOR: Correction: The present  
5 section of the War Ministry.

6 Q No, that also is not an answer to my ques-  
7 tion. I was asking you whether many moving picture  
8 companies -- in your affidavit you have stated that  
9 after the Manchurian Incident many moving pictures  
10 were made attempting to show that it was Japan's  
11 divine mission to rule the world. So, I am asking  
12 you what picture was there made, by what company,  
13 showing that such was Japan's mission?

14 A As I said before, "The Emergency in Japan,"  
15 was a typical example of that sort of picture.

16 Q Very well then. Will you also give me the  
17 names of other pictures depicting that Japan was to  
18 rule the world?

19 A The picture which was made specifically to  
20 show the purpose of Japan to rule over the world  
21 is the one I mentioned before, and I can't remember  
22 any others right at the present moment.

23 Q If there was only one movie, then your af-  
24 fidavit stating that there were many moving pic-  
25 tures made at that time is a falsehood, is it not?

NAKAI

CROSS

1        A I meant by it -- by that sentence that many  
2        other pictures expounding Japan's ultra-nationalistic  
3        or militaristic doctrines were made. I meant that  
4        by that sentence.  
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NAKAI

CROSS

3 1 Q Thank you, I understand. Then the movie  
4 2 showing that Japan was to rule the world was this  
5 3 one, "Critical Period of Japan" by the Osaka Mainichi  
6 4 Shimbun, and the other movies were made for the pur-  
7 5 pose of showing what you stated in your previous  
8 6 answer?

9 7 A That is correct.

10 8 MR. SUGAWARA: I am defense counsel  
11 9 Sugawara.

12 10 . . . . . CROSS-EXAMINATION (Continued)

13 11 BY MR. SUGAWARA:

14 12 Q You state in your affidavit in the third  
15 13 paragraph that: "Following the China Incident,  
16 14 film of a propagandic nature was prevalent to the  
17 15 extent that it was virtually impossible for the  
18 16 movie houses to obtain Japanese productions that were  
19 17 not of an ultra-nationalistic or militaristic nature."  
20 18 Is that statement correct?

21 19 A Among the pictures produced at that time  
22 20 among others, were pictures on cultural, humanistic,  
23 21 or love scenes. However, many militaristic pictures  
24 22 were produced.

25 23 Q Then you only mean to say that these films  
24 24 of a militaristic nature were produced in great number,  
25 25 and your statement that it was virtually impossible

NAKAI

CROSS

1 to obtain any other kind of movies was a mistake.

2 Do you admit this?

3 A I think it is right.

4 Q Previously, in answer to Dr. KIYOSÉ'S  
5 question, you stated that in the moving picture  
6 crisis of Japan the idea of Japan to dominate the  
7 world was shown through a speech made by War Minister  
8 ARAKI. Is this statement also correct? Is "Critical  
9 Period of Japan" a silent picture or a "talkie"?

10 A It is a talking picture.

11 Q Then are its contents in the speech made by  
12 War Minister ARAKI?

13 A Yes.

14 Q We have never heard General ARAKI say that  
15 Japan was to rule the world, but from what special  
16 words did you infer this?

17 A I am not stating my opinion here. I am only  
18 referring to the words used by General ARAKI in that  
19 picture so you will understand automatically by look-  
20 ing at and listening to that picture.

21 THE MONITOR: Correction: Instead of  
22 "General," the "then Lieutenant General ARAKI."

23 Q By seeing the picture or by hearing it?

24 A By both.

25 Q Then you mean to say it is not only through

NAKAI

CROSS

1 the speech but through what is actually shown on the  
2 screen that these things are inferred?

3 A Yes.

4 Q Then although you cannot state specifically  
5 what passage calls for Japan's world domination, you  
6 say that the general import of the speech is of that  
7 nature?

8 A Yes.

9 MR. SUGAWARA: With this I end my cross-  
10 examination.

11 Mr. President, I desire that this movie be  
12 shown and we believe that it will then become clear  
13 that what this witness has said is without foundation.

14 MR. DONIHI: If the Court please, the movie  
15 will be produced shortly.

16 THE PRESIDENT: What do you mean by "shortly"---  
17 this morning?

18 MR. DONIHI: I did not understand your Honor's  
19 last statement.

20 THE PRESIDENT: What do you mean by "shortly"?"  
21 That could be any time up to three days.

22 MR. DONIHI: We can show the picture this  
23 afternoon if it is in keeping with the Court's wishes.

24 MR. SUGAWARA: I would like to address to  
25 the President. I want to know whether the prosecution

NAKAI

CROSS

1 have seen the picture already or not. I am asking  
2 if the counsel for the prosecution have seen the  
3 picture that the witness spoke of.

4 MR. DONIHI: We have seen the picture, your  
5 Honor.

6 THE PRESIDENT: What does it matter whether  
7 you have or not? I suppose you have.

8 MR. SUGAWARA: Will you repeat your answer  
9 once more? If you have seen it, can you point out  
10 exactly what point in that moving picture brings out  
11 the point raised by the witness?

12 MR. DONIHI: Your Honor, the picture will  
13 speak for itself, and we will produce it this afternoon.

14 THE PRESIDENT: Well, the cross-examination  
15 on the picture had better be reserved until it is  
16 shown. That would be the most appropriate time at  
17 which to have it.

18 MR. McMANUS: May I also at this time,  
19 Mr. President, please reserve my motion to object  
20 to the showing of the picture this afternoon until  
21 the time it is about to be shown. I would like an  
22 opportunity to--I should like an opportunity to dis-  
23 cuss this matter with my co-counsel. We are having  
24 a rather difficult time, neither one of us under-  
25 standing each other; and I should like an opportunity

NAKAI

CROSS

1 to discuss with him whether or not we are going to  
2 object to the picture or whether we suggest that it  
3 should be shown as he has already done. Will your  
4 Honor please reserve our rights so that we might  
5 make such an objection if we feel as though it should  
6 be made after we converse with each other this after-  
7 noon?

8 THE PRESIDENT: I would not care to suggest  
9 that the accused's counsel should waste any time on  
10 that because this picture will be shown. The objec-  
11 tions will be futile. The picture is almost a neces-  
12 sary part of this man's evidence now. He has deposed  
13 to the effect of these pictures, and they must be  
14 shown. There is no ground for objection. Even  
15 according to the strictest technical requirements in  
16 a national court, these objections must fail if made.  
17 The objection, if made, will be overruled. The  
18 picture will be shown.

19 MR. McMANUS: If your Honor please, there  
20 are some points that I might like to inquire about at  
21 the time when the picture is to be produced, such as,  
22 whether or not the sound and other points about the  
23 picture are authentic, the possibility of whether or  
24 not they may have been "doctored" -- as I might say. --  
25 I would like to bring out all those points on

NAKAI

CROSS

cross-examination before this picture is shown.

1                   THE PRESIDENT: The appropriate time is  
2                   after it is shown.

3                   MR. DONIHI: Your Honor, I might--

4                   THE PRESIDENT: And let me remind you once  
5                   again, we are not a jury. We can be trusted to see  
6                   these things.

7                   MR. DONIHI: Mr. President, I might state  
8                   that the prosecution will produce the man who made  
9                   the picture, actually filmed it.

10                  THE PRESIDENT: For cross-examination?

11                  MR. DONIHI: (Nods head affirmatively.)

12                  CAPTAIN KLEIMAN: May it please the Tribunal,  
13                  may it please your Honor--

14                  THE PRESIDENT: Are you objecting to the  
15                  picture being shown, because it is wasting time.

16                  CAPTAIN KLEIMAN: No, sir. I am Captain  
17                  Kleiman, sir. I will refer myself not to the picture.  
18                  I will pose just two questions, if I may, sir?

19                  CROSS-EXAMINATION (Continued)

20                  BY CAPTAIN KLEIMAN:

21                  Q    Mr. NAKAI, do you know how many American  
22                  films had been imported to this country for public  
23                  exhibition since the China Incident?

24                  A    Although I don't remember the exact number

NAKAI

CROSS

1 of the pictures imported in Japan because the Finance  
2 Ministry enforced what they called the "exchange  
3 control" since 1938; however, I think there must have  
4 been approximately two hundred and fifty pictures  
5 imported since that time.

6 Q Referring to your last paragraph, Mr. NAKAI,  
7 on December 8, 1942, do you know how many American  
8 film representatives were in Tokyo -- error, correction,  
9 please -- 1941?

10 A Are you referring to American representatives  
11 or Japanese representatives?

12 Q I am referring to American representatives  
13 of American picture companies who were in Tokyo.

14 A There were seven picture companies, American  
15 picture companies represented in Tokyo, but at the  
16 time the war broke out there was no American repre-  
17 sentative residing in Tokyo.

18 Q Did you know that one of these representa-  
19 tives--

20 A I made a mistake. I remember now that there  
21 was one Mr. Perkins.

22 Q Was there a Mr. Shathin?

23 A I have heard -- I feel I have heard that  
24 name, but I don't remember having seen him at that  
25 time.

NAKAI

CROSS

1                   Q    Was he not with Ambassador Grew at the  
2                   American Embassy after the declaration of war and  
3                   until Ambassador Grew returned to the United States?

4                   A    I don't remember that.

5                   Q    Did you know the Metro-Goldwyn-Mayer  
6                   representative in the Far East and who was stationed  
7                   in Tokyo?

8                   THE PRESIDENT: The allegation in the affi-  
9                   davit is that American films were banned. That is  
10                   the allegation; you cross-examine on that. It  
11                   does not matter how many Americans were in Tokyo.  
12                   You do not meet that by getting the number.

13                   CAPTAIN KLEIMAN: All right, your Honor.  
14                   No further cross-examination.

15                   THE PRESIDENT: This is a convenient break.  
16                   I think the heat is very, very severe this morning.  
17                   We will recess now until twenty minutes after one.

18                   (Whereupon, at 1150, a recess  
19                   was taken.)

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NAKAI

## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at

(English to Japanese and Japanese to English interpretation was made by IWAMOTO, Mashito, and OKA, Takashi, Lanny Miyamoto acting as Monitor.)

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Donihi.

MR. DONIHI: May it please the Tribunal, the prosecution is prepared to show the film, "Critical Period of Japan." Unfortunately during the lunch hour we learned that the translation has not yet been fully edited; however, the un-edited copies have been distributed. We should like to have it admitted, subject to withdrawal and correction if necessary.

THE PRESIDENT: Subject to correction. Why withdrawal, Mr. Donoghue?

MR. DONIHI: I meant withdrawal, may it please the Court, of the copies which have not been edited. Of course, the original will be lodged with the Court. It is correct. The translation of the original document is subject to correction. In other

1 words, may it please the President, the Japanese  
2 copies which have been distributed are correct;  
3 however, the English translation of that copy has  
4 some errors within it.

5 THE PRESIDENT: Dr. KIYOSÉ.

6 DR. KIYOSÉ: Even in the Japanese text there  
7 are grave errors.

8 MONITOR: Correction: even in the Japanese  
9 text there are some typographical errors.

10 DR. KIYOSÉ: For instance, I believe that  
11 the words "national regulation" and the "national  
12 policy" are mistaken. I hope they will be corrected.  
13 I would also like to mention that in the Japanese  
14 text of the recent Kamishibai there is a page which is  
15 absolutely unreadable.

16 THE PRESIDENT: It is useless to discuss  
17 those matters here. We must rely implicitly on our  
18 Language Section. No matter what discussion we have  
19 here -- we might discuss this for a week -- we would  
20 say "leave it to the Language Section," so we will  
21 leave it to them now. We will not hear any more  
22 about it.

23 DR. KIYOSÉ: Then, following the Presi-  
24 dent's order, I shall confer with the Language  
25 Section.

NAKAI

1                   MR. DONIHI: May it please the Tribunal, I  
2                   might suggest at this time that the Japanese copy  
3                   has been taken directly from the sound track; that if  
4                   there are errors appearing in such copy, the counsel  
5                   will note them as they see the film. Until the sound  
6                   track is heard by Japanese counsel I see no way that  
7                   they could compare the Japanese copy of our text for  
8                   correctness.

9                   The film will be shown at the pleasure of  
10                  the Tribunal.

11                  THE PRESIDENT: You will proceed to show the  
12                  film.

13                  (Whereupon, the document above re-  
14                  ferred to was marked prosecution's exhibit No.  
15                  148 for identification.)

16                  MR. DONIHI: The English translation will  
17                  be heard on the headphones, may it please the Court.

18                  MARSHAL OF THE COURT: Mr. President, the  
19                  English version will be read by Ensign Hornstein,  
20                  head of the Language Sub-section.

21                  LANGUAGE SECTION CHIEF: The English version  
22                  as read will be as translated and as edited by the In-  
23                  ternational Prosecution Section.

24                  MR. DONIHI: May I suggest, may it please the  
25                  Tribunal, that the additional lights be turned off

NAKAI

1 in the court room?

2 (Whereupon, the hereinbefore mentioned  
3 moving picture was projected on a screen in the  
4 court room, the English interpretation of the  
5 Japanese sub-titles and the sound track being  
6 read by the Language Section Chief.)

7 "Moving picture 'Critical Period of Japan.' Twelve  
8 reels in all.

9 "As we consider that the above mentioned  
10 moving picture contains many instructive matters for  
11 the national education in this critical period, here-  
12 with, we dare to recommend it to the public, on June  
13 1st in the 8th year of Showa. (1933).

14 War Ministry to OSAKA MAINICHI Newspaper  
15 Publishing Company.

16 "Critical Period of Japan. Twelve reels in  
17 all.

18 "We, the undersigned, do offer these whole  
19 reels to our ninety million fellow countrymen and  
20 thirty million people in Manchukuo, who are directly  
21 facing this critical situation.

22 OSAKA MAINICHI Newspaper Publishing  
23 Company.

24 TOKYO NICHINICHI Newspaper Publishing  
25 Company.

KIDO, MOTOSUKE, Chairman of Directors  
Committee.

NAKAI

1 "Producer: OSAKA MAINICHI Newspaper Pub-  
2 lishing Company.

3 "Production was carried out by:  
4 "Colonel HONMA, in Press Section of War  
5 Ministry.

6 "Lieutenant Colonel MAEDA, Secretary  
7 attached to War Minister.

8 "KAGEYAMA, Lieutenant, Paymaster Corps.

9 "Army Infantry School.

10 "Army Cavalry School.

11 "The Fourth Division.

12 "Army Engineer School.

13 "The TOYAMA Military Band.

14 "General direction: MIZUNO, Shinko, Chief  
15 of Moving Picture Section in OSAKA MAINICHI News-  
16 paper Publishing Company.

17 "Supervisor: KINO, Toshio, President of all  
18 Japan Educational Moving Picture Association.

19 "Cameramen: SATAKE, Mitsuo; SUMITA, Eusuke.

20 "Recorder of Sound: SAYATO, Tsuneo.

21 "Editors: KONDO, Iyokichi, KAITA, Seiichi,  
NAGATA, Eizo

22 "Japan and Japanese people have been facing  
23 the serious situation ever since September 18th of  
24 6 SHOWA, or 1931.

25 "So that we want to hear from his Excellency

NAKAI

1 ARAKI, War Minister, his impression pertaining to  
2 the present situation and the resolution we must have  
3 for the coming future.

4 "We will have simultaneous record in sound.

5 "I am Lieutenant General ARAKI, War Minister.  
6 It is my great honor and pleasure to express my opinion  
7 here in connection with the socalled 'Critical Period  
8 of Japan' for all the fellow countrymen of the Empire.

9 "Ladies and gentlemen: It is said that Japan  
10 is now in a critical period.

11 "It is a matter of common knowledge that  
12 Japan is now facing to an unprecedented critical  
13 situation, which we have never experienced since the  
14 founding of our country.

15 "Observing the whole world situations with  
16 our own eyes, we find there that the whole world is  
17 watching with deep interest on the fact, how Japan  
18 will meet the situation properly, and how she will  
19 open her own way through this critical situation.

20 "But let us contemplate calmly on this cri-  
21 tical period, after all is the meaning of the term  
22 'the critical period of Japan' a question, that we  
23 ought to endeavor to reflect our national life, to  
24 reconstruct economical systems, and to improve the  
25 peace time education and all other affairs?

NAKAI

1                    "And, can we break down the critical situ-  
2                    ation at present by taking such measures in the foreign  
3                    policy as, that we ought to return back to the  
4                    autonomous diplomatic from the flattering one, that  
5                    we ought to defence the Japanese interests in foreign  
6                    lands, and that we ought to protect the life of our  
7                    fellow-countrymen overseas."

8                    This ends the first reel of War Minister  
9                    ARAKI.

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MR. BROOKS: If the Tribunal please, I have noted that the sound effect on the reel is not being utilized so that the Japanese counsel do not have any method of checking the matter that is being said in the picture with what is being said here. And the English translation is considerably different than the text which has been prepared and handed to us.

THE PRESIDENT: That is a very disappointing production as far as the pictures go.

MR. JUSTICE MANSFIELD: If the Tribunal please, the Japanese translation has been coming through on the microphone on the middle terminal directly from the film.

THE PRESIDENT: Well, so far the whole show is a dismal failure. It is not worth continuing.

MR. DONIHI: May it please the Court, this of course is the first reel, which is preliminary.

The prosecution feels that this is a most important piece of evidence and should be viewed by the Tribunal. However, we did not intend to impose this upon the Tribunal today. It was suggested by defense counsel, and we have made an effort to place at the disposal of such counsel and the Court the film for showing today.

MR. JUSTICE MANSFIELD: Might I suggest, if

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1 the Tribunal please, that the curtain be pulled over  
2 that window. It will be much easier to see from the  
3 bench, I am sure.

4 THE PRESIDENT: Well, I understand that at  
5 least twenty-four hours is needed to put this picture  
6 in order and then the best results are not promised.  
7 It is only a waste of time looking at it this after-  
8 noon. The only thing that was well done is the  
9 translation by Ensign Hornstein, as far as we can  
10 discover.

11 I suggest, Mr. Justice Mansfield, that this  
12 be postponed until Monday; that we get on with the  
13 evidence and depart from this.

14 MR. JUSTICE MANSFIELD: Well, if the Tribu-  
15 nal please, the witnesses have been allowed to go.  
16 There are no witnesses available, as we assumed this  
17 would take the best part of an hour and a half this  
18 afternoon.

19 The Tribunal will see that in the following  
20 reels the propaganda becomes more intense.

21 THE PRESIDENT: The sound track is all  
22 right.

23 MR. JUSTICE MANSFIELD: And the pictures,  
24 themselves, show the propaganda also. This is merely  
25 the preliminary reel.

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1 THE PRESIDENT: I understand that some of  
2 my colleagues did not get Ensign Hornstein's trans-  
3 lation.

4 MR. JUSTICE MANSFIELD: Is your Honor refer-  
5 ring to the written translation, or the verbal?

6 THE PRESIDENT: Well, whatever Ensign Horn-  
7 stein said was not heard by some of my colleagues.  
8 I heard it, but some did not. The left wing, here,  
9 did not hear it. I am speaking literally, now.

10 MR. JUSTICE MANSFIELD: It was, in fact,  
11 being read over the headphones. There was the Jap-  
12 anese sound track on the middle terminal, and the  
13 English translation on the left-hand terminal.

14 DR. KIYOSÉ: Mr. President, I have just  
15 compared the Japanese version with the sound track,  
16 but there are many parts which are very different.  
17 I desire that the prosecution take notes of this  
18 sound track, that the Language Section do so like-  
19 wise, and that a date be set for the three to confer  
20 and compare notes on this question.

21 THE PRESIDENT: I suggest that the rest of  
22 the afternoon be devoted to a private screening for  
23 the benefit of Dr. KIYOSÉ and others who could then  
24 make the necessary corrections so that the pictures  
25 could be presented on Monday to the Court.

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1 MR. BROOKS: Defense counsel would very much  
2 appreciate that, your Honor.

3 THE PRESIDENT: It would not be necessary  
4 for the Members of the Court to remain here. They  
5 could be more usefully employed elsewhere perhaps.

6 It is suggested to me the gallery should  
7 be cleared while this matter is threshed out by  
8 the prosecution and defense in the absence of the  
9 Tribunal.

10 MR. JUSTICE MANSFIELD: As far as the prose-  
11 cution is concerned, we are ready to show the pic-  
12 ture with the translation which we have. If there are  
13 any corrections to be made in the translation they  
14 can be made after the picture has been seen.

15 THE PRESIDENT: You wish the Court to re-  
16 main to view the pictures, Mr. Justice Mansfield?

17 MR. JUSTICE MANSFIELD: I think if we could  
18 dispose of the picture this afternoon, it would save  
19 a considerable amount of time. If we could have the  
20 curtain drawn on that window back of the--

21 THE PRESIDENT: Well, if you assure us you  
22 will get nothing better if we delay until there is  
23 some revision, we will sit here and watch them. But  
24 they are not very entertaining and they are not very  
25 enlightening.

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MR. JUSTICE MANSFIELD: Up to the present, of course, the Tribunal has seen only one film, one reel. As far as the prosecution is concerned, it considers the subsequent film will be of considerably greater interest. They are, at least, for the prosecution, and we submit them for the consideration of the Court.

MR. McMANUS: Mr. President, may I ask the Court why this should not be considered similar to an exhibit; and should we not also be entitled to twenty-four hours notice on this picture?

MR. JUSTICE MANSFIELD: Unfortunately, we have not thirty-six copies of the film, if the Tribunal pleases.

MR. McMANUS: We could view it this afternoon, if you would let us.

MR. DONIHI: If it please the Tribunal--

THE PRESIDENT: I think we are prepared to sit here while another is presented; another reel, I mean. There are eleven more, I understand.

MR. DONIHI: I wish to call to the Tribunal's attention the fact that it was at the request of the defense that the film was brought in this afternoon. The prosecution has no desire to impose upon the Tribunal an ordeal of sitting through a hot afternoon.

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1 of viewing a picture which it deems is not fully and  
2 adequately prepared to be shown. We shall be very  
3 glad to either show it on Monday or at any other con-  
4 venient day for the Court. If the Court prefers to  
5 see it this afternoon, we are prepared to let it be  
6 shown.

7 THE PRESIDENT: We are prepared to sit here  
8 no matter how hot it is as long as you assure us that  
9 we will see something and hear something worthwhile.  
10 So far we have not seen anything worthwhile. We have  
11 heard a very able translation, that is about all.

12 MR. DONIHI: The prosecution considers this  
13 to be a propaganda film of a vicious type and can  
14 assure the Tribunal that we have viewed it previously  
15 upon numerous occasions and have come to the conclu-  
16 sion that it would be well worth the Tribunal's time  
17 to see the film.

18 Unfortunately, as heretofore explained,  
19 Mr. President, the translation is not in shape that  
20 would be most satisfactory and possibly the full  
21 import could not be gathered this afternoon.

22 THE PRESIDENT: Does the prosecution invite  
23 us to remain here or to adjourn and see the picture  
24 on, say, Monday morning?

25 MR. DONIHI: The prosecution believes that

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1       it would be better to adjourn so that the court  
2       officials might have an opportunity to prepare the  
3       lighting to make a more satisfactory showing of the  
4       picture on Monday morning.

5                    MR. BROOKS: If the Tribunal please, we  
6       would like to request the privilege, the defense  
7       would like to request the privilege, of having a  
8       preview of this picture and compare it with the  
9       draft that we have of what is purported to be said  
10      and see if it is correct, and make our corrections,  
11      and have at least that small opportunity to consider  
12      the picture and to get together as an organization  
13      to decide--

14                   THE PRESIDENT: Well, there should be a  
15      private screening for your benefit.

16                   MR. DONIHI: The prosecution is quite pre-  
17      pared to arrange a private screening for the benefit  
18      of defense and defense counsel this afternoon after  
19      adjournment of Court.

20                   THE PRESIDENT: Just a second. What we want  
21      to be sure of is that the Japanese is correct, the  
22      Japanese script, what comes off the sound track and  
23      what has been distributed in Japanese, is correct.  
24      The English is taken from that. If the Japanese is  
25      incorrect, the English is. We want to make sure the

MAKAI

1 Japanese is correct.

2  
3 LANGUAGE ARBITER (MAJOR MOORE): Mr. Presi-  
4 dent, there has only been one reel of this film  
5 shown. One of the monitors has listened to the  
6 Japanese sound track and compared it with the Japan-  
7 ese as written. There are a few errors, but I would  
8 like to assure the Tribunal that they are not  
material errors.

9  
10 THE PRESIDENT: Sometimes materiality is a  
11 question of opinion, you know. I think that we had  
12 better adjourn while this private screening takes  
13 place; and in the course of that you may be able to  
14 straighten out anything that is wrong.

15 We will recess now until thirty minutes  
16 past nine on Monday morning.

17  
18 (Whereupon, at 1415, an adjournment  
19 was taken until Monday, 24 June 1946, at  
20 0930.)  
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